

[Complete list of counsel on signature page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

XOOM CORPORATION, a California  
Corporation,

Plaintiff,

v.

MOTOROLA TRADEMARK HOLDINGS,  
LLC, a Delaware limited liability company,  
MOTOROLA MOBILITY, INC., a Delaware  
corporation, and MOTOROLA MOBILITY  
HOLDINGS, INC., a Delaware Corporation,  
and DOES 1 through 10 inclusive

Defendants.

Case No. CV 11-CV-00848 (CRB)

**STIPULATION AND ORDER TO AMEND  
SCHEDULING ORDER**

**JURY TRIAL DEMANDED**

1 Pursuant to the Northern District of California Local Rules 6-2 and 7-12, the parties,  
2 Plaintiff Xoom Corporation ("Plaintiff") and Defendants Motorola Trademark Holdings, LLC,  
3 Motorola Mobility, Inc. and Motorola Mobility Holdings, Inc. (collectively, "Defendants"), hereby  
4 stipulate that good cause exists for an amendment of the present Scheduling Order to provide for a  
5 45-day extension of the present March 12, 2013 fact discovery deadline and an adjustment of all  
6 subsequent deadlines accordingly.

7 Specifically, the parties state that:

8 1. Plaintiff's complaint against Defendants in this case arises under the Lanham Act, 15  
9 U.S.C. §§ 1114(1) and 1125(a)(1) for trademark infringement and unfair competition, and under  
10 California statutory and common law.

11 2. Fact discovery is presently scheduled to close on March 12, 2013. Plaintiff and  
12 Defendants believe, to the best of their present knowledge, that they have completed their  
13 respective productions of all responsive and non-privileged documents in their possession, subject  
14 to any stated objections. The parties are still working to schedule depositions, and are attempting  
15 to resolve remaining discovery issues. At the same time, the parties have been actively engaged in  
16 ongoing settlement discussions.

17 3. In addition, Plaintiff recently retained new counsel in this case, who were admitted  
18 *pro hac vice* on February 14, 2013. Given the significant volume of documents that have been  
19 produced in this case (exceeding 100,000 pages in total), and the extensive written discovery that  
20 has been exchanged between the parties to date, the requested 45-day extension would ensure that  
21 new counsel has ample time to review the discovery and prepare for depositions.

22 4. The parties have given serious thought to the tasks that remain in order to continue in  
23 their efforts to complete all fact and expert discovery in this case, and have agreed that an  
24 extension of all discovery deadlines, as well as the dates for dispositive motion briefing, is  
25 necessary as set forth below:  
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<b>EVENT</b>	<b>DATES PER 12/03/12 ORDER</b>	<b>PROPOSED DATES</b>
Fact Discovery Deadline	March 12, 2013	April 26, 2013
Deadline for Expert Reports	April 16, 2013	May 31, 2013
Deadline for Rebuttal Reports	May 13, 2013	June 27, 2013
Expert Discovery Deadline	June 12, 2013	July 29, 2013
Dispositive Motions Filed	July 2, 2013	August 16, 2013
Pretrial Conference and Trial	To be set by Court after consideration of dispositive motion	To be set by Court after consideration of dispositive motion

4. The parties have only sought three other extensions of time in this case to date. The Court granted those extensions, the first on June 12, 2012, the second on September 13, 2012, and the third on December 3, 2012.

5. The parties do not seek this extension for the purpose of delay. The limited modification to the scheduling order will not have an effect on any pre-trial and trial dates as the Court has yet to schedule these dates.

WHEREFORE, the parties respectfully request that this Honorable Court issue an order amending the current discovery and dispositive motion schedule as set forth in the attached [Proposed] Order.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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1  
2  
3 Dated: February 27, 2013

Respectfully submitted,

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Attorneys for Plaintiff  
XOOM CORPORATION

1  
2 Dated: February 27, 2013

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MOTOROLA TRADEMARK HOLDINGS,  
16 LLC, MOTOROLA MOBILITY, INC., and  
MOTOROLA MOBILITY HOLDINGS, INC.

17  
18 **ATTESTATION OF E-FILED SIGNATURES**

19 I, Joseph Farris, am the ECF User whose ID and password are being used to file this  
20 Stipulation to Amend Scheduling Order. In compliance with Civ. L.R. 5-1(i)(3), I hereby attest  
21 that Joseph Farris and Kristin J. Achterhof have concurred to its filing.  
22

23 Dated: February 27, 2013

By: /s/ Joseph R. Farris

**ORDER**

Pursuant to the stipulation between Plaintiff Xoom Corporation, on the one hand, and Defendants Motorola Trademark Holdings, LLC, Motorola Mobility, Inc. and Motorola Mobility Holdings, Inc., on the other hand, the parties request the Court to modify the prior Stipulation and Scheduling Order dated December 3, 2012.

It is ORDERED that the dates and deadlines adopted by the Court in its prior Scheduling Order are amended and extended as set forth in the schedule below:

<b>EVENT</b>	<b>DATES PER 12/03/12 ORDER</b>	<b>PROPOSED DATES</b>
Fact Discovery Deadline	March 12, 2013	April 26, 2013
Deadline for Expert Reports	April 16, 2013	May 31, 2013
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Dispositive Motions Filed	July 2, 2013	August 16, 2013
Pretrial Conference and Trial	To be set by Court after consideration of dispositive motion	To be set by Court after consideration of dispositive motion

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 22, 2013

